

MS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

TECHNOLOGY CENTER 2800

NOV 25 2003

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SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Handcarry: Crystal Plaza 4
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 25 2003

Sir:

In response to the Notice of Abandonment dated July 28, 2003, applicant hereby respectfully submits for the second time a petition under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 28, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The

offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of February 20, 2003 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of February 20, 2003 which

corresponds to the current application, Attorney Docket No. 3885-0102P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of February 20, 2003. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of February 20, 2003 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al.

Also enclosed is a date-stamped receipt of our first submission of this Petition and evidence to the USPTO.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

ADM/csm
3885-0102P

Attachment(s)

(Rev. 04/30/03)

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Papers Filed herewith on: Aug. 20, 2003 54
DOCKET NO: 3885-022P ATTY: ADM
APPLICANT(S): YAMADA et al.
APPLN. NO: 10/046,739 FILED: 1-17-02
PAT NO: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.53(d) (CPA)
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Link
 Completion of Filing Requirements, PCT/DD/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc _____
 Amendment: _____
 Transm'l Ltr Large Entity Small Entity
 Response _____
 Information Disc'l Stmt. PTO-1449(s) _____ doc(s)
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal
 FEES:
 Letter: Request to Withdraw Filing of Abandon
 Other: Copy of 2-20-03 docket
& Copy of file jacket cov

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 9-28-03
Handcarry: _____

DOCKET NO. 3885-022P
JC34

AUG 20 2003

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